

EXHIBIT A

Intertrust v. MS: JCCS Claim Chart

U.S. Patent No. 6,253,193, Asserted Claim 1

	<u>'193 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
1.	1. A method comprising:	The claim contains no requirement of a VDE.	<u>Claim as a whole:</u> The recited method is performed within a VDE. (See item #86 for Microsoft's construction of VDE.)
2.	receiving a digital file including music,		
3.	storing said digital file in a first secure memory of a first device;	<p>secure: One or more mechanisms are employed to prevent, detect or discourage misuse of or interference with information or processes. Such mechanisms may include concealment, Tamper Resistance, Authentication and access control. Concealment means that it is difficult to read information (for example, programs may be encrypted). Tamper Resistance and Authentication are separately defined (see item #67 and item #27, respectively, below). Access control means that access to information or processes is limited on the basis of authorization. Security is not absolute, but is designed to be sufficient for a particular purpose.</p>	<p>secure: (1) A state in which all users of a system are guaranteed that all information, processes, and devices within the system, shall have their availability, secrecy, integrity, authenticity and nonrepudiation maintained against all of the identified threats thereto.</p> <p>(2) "Availability" means the property that information is accessible and usable upon demand by authorized persons, at least to the extent that no user may delete the information without authorization.</p> <p>(3) "Secrecy," also referred to as confidentiality, means the property that information (including computer processes) is not made available or disclosed to unauthorized persons or processes.</p> <p>(4) "Integrity" means the property that information has not been altered either intentionally or accidentally.</p> <p>(5) "Authenticity" means the property that the characteristics asserted about a person, device, program, information, or process are genuine and timely, particularly as to identity, data integrity, and origin integrity.</p> <p>(6) "Nonrepudiation" means the property that a sender of information cannot deny its origination and that a recipient of information cannot deny its receipt.</p>

	<u>'193 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
4.	storing information associated with said digital file in a secure database stored on said first device, said information including at least one budget control and	<p><u>secure</u>: see item #3 above</p> <p><u>budget</u>: Information specifying a limitation on usage.</p> <p><u>control</u>: Information and/or programming controlling operations on or use of resources (e.g., content) including (a) permitted, required or prevented operations, (b) the nature or extent of such operations or (c) the consequences of such operations.</p>	<p><u>secure</u>: see item #3 above</p> <p><u>budget</u>: (1) A unique type of "method" that specifies a decrementable numerical limitation on future Use (e.g., copying) of digital information and how such Use will be paid for, if at all. (2) A "method" is a collection of basic instructions, and information related to basic instructions, that provides context, data, requirements, and/or relationships for use in performing, and/or preparing to perform, basic instructions in relation to the operation of one or more electronic appliances.</p> <p><u>control</u>: (1) Independent, special-purpose, Executable, which can execute only within a <i>Secure Processing Environment</i> (see below). (2) Each VDE Control is a Component Assembly dedicated to a particular activity (e.g., editing, modifying another Control, a user-defined action, etc.), particular user(s), and particular protected information, and whose satisfactory execution is necessary to <i>Allowing</i> (see below) that activity. (3) Each separate information <i>Access</i> (see below) or Use is independently Controlled by independent VDE Control(s). (4) Each VDE Control is assembled within a <i>Secure Processing Environment</i> from independently deliverable modular components (e.g., <i>Load Modules</i> (see below) or other Controls), dynamically in response to an information <i>Access</i> or Use Request. (5) The dynamic assembly of a Control is directed by a "blueprint" <i>Record</i> (see below) (put in place by one or more VDE users) Containing control information identifying the exact modular code components to be</p>

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<u>'193 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
		<p>assembled and executed to govern (i.e., Control) this particular activity on this particular information by this particular user(s).</p> <p>(6) Each Control is independently assembled, loaded and delivered vis-à-vis other Controls.</p> <p>(7) Control information and Controls are extensible and can be configured and modified by all users, and combined by all users with any other VDE control information or Controls (including that provided by other users), subject only to “senior” user Controls.</p> <p>(8) Users can assign control information (including alternative control information) and Controls to an arbitrarily fine, user-defined portion of the protected information, such as a single paragraph of a document, as opposed to being limited to file-based controls.</p> <p>(9) VDE Controls reliably limit Use of the protected information to only authorized activities and amounts.</p> <p>For the purposes of the construction of “Control,” a “<i>Secure Processing Environment</i>” is defined as: A Secure Processing Environment is uniquely identifiable, self-contained, non-circumventable, and trusted by all other VDE nodes to protect the availability, secrecy, integrity and authenticity of all information identified in the patent application as being protected, and to guarantee that such information will be accessed and Used only as expressly authorized by the associated VDE Controls, and to guarantee that all requested reporting of and payments for protected information use will be made. A Secure Processing Environment is formed by, and requires, a Secure Processing Unit having a hardware Tamper Resistant Barrier encapsulating a processor and internal</p>

<u>'193 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
		<p>Secure memory. The Tamper Resistant Barrier prevents all unauthorized interference, removal, observation, and other Use of the information and processes within it.</p> <p>For the purposes of the construction of “Control,” “Allowing” is defined as: Actively permitting an action that otherwise cannot be taken (i.e., is prohibited) by any user, process, or device. In VDE, an action is allowed only through execution (within a <i>Secure Processing Environment</i>) of the VDE Control(s) assigned to the particular action request, and satisfaction of all requirements imposed by such execution.</p> <p>For the purposes of the construction of “Control,” “Access” is defined as: To satisfactorily perform the steps necessary to obtain something so that it can be Used in some manner (e.g., for information: copied, printed, decrypted, encrypted, saved, modified, observed, or moved, etc.). In VDE, access to protected information is achieved only through execution (within a <i>Secure Processing Environment</i>) of the VDE Control(s) assigned to the particular “access” request, satisfaction of all requirements imposed by such execution, and the Controlled opening of the Secure Container Containing the information.</p> <p>For the purposes of the construction of “Control,” a “Load Module” is defined as: An Executable, modular unit of machine code (which may include data) suitable for loading into memory for execution by a processor. A load module is encrypted (when not within a secure processing unit) and has an Identifier that a calling process must provide to be able to use the load module. A load module is combinable with other load modules,</p>

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<u>'193 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
		<p>and associated data, to form Executable Component Assemblies. A load module can execute only in a VDE Protected Processing Environment. Library routines are not load modules and dynamic link libraries are not load modules.</p> <p>For the purposes of the construction of “Control,” a “<i>Record</i>” is defined as: A data structure that is a collection of fields (elements), each with its own name and type. Unlike an array, whose elements are accessed using an index, the elements of a record are accessed by name. A record can be accessed as a collective unit of elements, or the elements can be accessed individually.</p>
5. at least one copy control ,	<p><u>copy</u>: To reproduce. The reproduction must be usable, may incorporate all of the original item or only some of it, and may involve some changes to the item as long as the essential nature of the content remains unchanged.</p> <p><u>control</u>: see item #4 above</p>	<p><u>copy</u>: (1) To reproduce all of a <i>Digital File</i> (see below) or other complete physical block of data from one location on a storage medium to another location on the same or different storage medium, leaving the original block of data unchanged, such that two distinct and independent objects exist.</p> <p>(2) Although the layout of the data values in physical storage may differ from the original, the resulting “copy” is logically indistinguishable from the original.</p> <p>(3) The resulting “copy” may or may not be encrypted, ephemeral, usable, or accessible.</p> <p>For the purposes of the construction of “Copy,” a “<i>Digital File</i>” is defined as: A named, static unit of storage allocated by a “file system” and Containing digital information. A digital file enables any application using the “file system” to randomly access its contents and to distinguish it by name from every other such unit. A copy of a digital file is a separate digital file. A “file system” is the portion of the operating system</p>

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<u>'193 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
		that translates requests made by application programs for operations on “files” into low-level tasks that can control storage devices such as disk drives. <u>control</u> : see item #4 above
6. said at least one budget control including a <i>budget specifying the number of copies which can be made of said digital file</i> ;	<u>budget</u> : see item #4 above <u>control</u> : see item #4 above <u>a budget specifying the number of copies which can be made of said digital file</u> : Normal English, incorporating the separately defined terms: a Budget stating the number of copies that can be made of the digital file referred to earlier in the claim.	<u>budget</u> : see item #4 above <u>control</u> : see item #4 above <u>a budget specifying the number of copies which can be made of said digital file</u> : A Budget explicitly stating the total number of copies (whether or not decrypted, long-lived, or accessible) that (since creation of the Budget) are authorized to be made of the <i>Digital File</i> by any and all users, devices, and processes. No process, user, or device is able to make another copy of the <i>Digital File</i> once this number of copies has been made. For the purposes of the construction of this phrase, “ <i>Digital File</i> ” is defined as set forth in item #5, above.
7. and said at least one copy control <i>controlling the copies made of said digital file</i> ;	<u>copy</u> : see item #5 above <u>control</u> : see item #4 above <u>controlling</u> : Normal English: exercising authoritative or dominating influence over; directing. <u>controlling the copies made of said digital file</u> : The nature of this operation is further defined in later claim elements. In context, the copy control determines the conditions under which a digital file may be Copied and the copied file stored on a second device.	<u>copy</u> : see item #5 above <u>control</u> : see item #4 above <u>controlling</u> : (1) Reliably defining and enforcing the conditions and requirements under which an action that otherwise cannot be taken, will be <i>Allowed</i> , and the manner in which it may occur. Absent verified satisfaction of those conditions and requirements, the action cannot be taken by any user, process or device. (2) In <i>VDE</i> , an action is Controlled through execution of the applicable <i>VDE Control(s)</i> within a <i>VDE Secure Processing Environment</i> . (3) More specifically, in <i>VDE</i> , Controlling is effected by use of <i>VDE Controls</i> , <i>VDE Secure Containers</i> , and <i>VDE foundation</i>

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<u>'193 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
		<p>(including <i>VDE Secure Processing Environment</i>, “object registration,” and other mechanisms for allegedly individually ensuring that specific Controls are enforced vis-à-vis specific objects (and their content at an arbitrary granular level) and specific “users”).</p> <p>For the purposes of the construction of “Control (v.)” et al, “<i>Allowed</i>” and “<i>Secure Processing Environment</i>” are defined as set forth in item #4, above.</p> <p><u>controlling the copies made of said digital file: Controlling Uses of and Accesses to all copies of the Digital File</u>, by all users, processes, and devices, by executing each of the recited “at least one” Copy Control(s) within <i>VDE Secure Processing Environment(s)</i>. Each Control governs (Controls) only one action, which action may or may not differ among the different “at least one” Controls. All Uses and Accesses are prohibited and incapable of occurring except to the extent <i>Allowed</i> by the “at least one” Copy Control(s).</p> <p>For the purposes of the construction of this phrase, “<i>Secure Processing Environment</i>,” “<i>Access</i>” and “<i>Allowed</i>” are defined as set forth in item #4, above.</p>

	<u>'193 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
8.	determining whether said digital file may be copied and stored on a second device based on at least said copy control ;	<u>copied (copy)</u> : see item #5 above <u>control</u> : see item #4 above	<u>copied (copy)</u> : see item #5 above <u>control</u> : see item #4 above
9.	if said copy control allows at least a portion of said digital file to be copied and stored on a second device,	<u>copied (copy)</u> : see item #5 above <u>control</u> : see item #4 above	<u>copied (copy)</u> : see item #5 above <u>control</u> : see item #4 above
10.	copying at least a portion of said digital file;	<u>copying (copy)</u> : see item #5 above	<u>copying (copy)</u> : see item #5 above
11.	transferring at least a portion of said digital file to a second device including a memory and an audio and/or video output;		
12.	storing said digital file in said memory of said second device; and		
13.	including playing said music through said audio output.		

U.S. Patent No. 6,253,193, Asserted Claim 11

	'193 Claim 11	IT Construction	MS Construction
14.	11. A method comprising:	The claim contains no requirement of a VDE.	<u>Claim as a whole</u> : The recited method is performed within a VDE . (See item #86 for Microsoft's construction of VDE .)
15.	receiving a digital file;		
16.	storing said digital file in a first secure memory of a first device;	<u>secure</u> : see item #3 above	<u>secure</u> : see item #3 above
17.	storing information associated with said digital file in a secure database stored on said first device, said information including a first control ;	<u>secure</u> : see item #3 above <u>control</u> : see item #4 above	<u>secure</u> : see item #3 above <u>control</u> : see item #4 above
18.	determining whether said digital file may be copied and stored on a second device based on said first control , said determining step including identifying said second device and determining whether,	<u>copied (copy)</u> : see item #5 above <u>control</u> : see item #4 above	<u>copied (copy)</u> : see item #5 above <u>control</u> : see item #4 above
19.	said first control allows transfer of said copied file to said second device, said determination based at least in part on the features present at the device to which said copied file is to be transferred;	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above

	<u>'193 Claim 11</u>	<u>IT Construction</u>	<u>MS Construction</u>
20.	if said first control allows at least a portion of said digital file to be copied and stored on a second device;	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above
21.	copying at least a portion of said digital file;	<u>copying (copy)</u> : see item #5 above	<u>copying (copy)</u> : see item #5 above
22.	transferring at least a portion of said digital file to a second device including a memory and an audio and/or video output;		
23.	storing said digital file in said memory of said second device; and		
24.	rendering said digital file through said output.		

U.S. Patent No. 6,253,193, Asserted Claim 15

	'193 Claim 15	IT Construction	MS Construction
25.	15. A method comprising:	The claim contains no requirement of a VDE.	<u>Claim as a whole:</u> The recited method is performed within a VDE. (See item #93 for Microsoft's construction of VDE.)
26.	receiving a digital file;		
27.	an authentication step comprising:	<u>authentication:</u> Identifying (e.g., a person, device, organization, document, file, etc.). Includes uniquely identifying or identifying as a member of a group.	<u>authentication:</u> To establish that the following asserted characteristics of something (e.g., a person, device, organization, document, file, etc.) are genuine: its identity, its data integrity, (i.e., it has not been altered) and its origin integrity (i.e., its source and time of origination).
28.	accessing at least one identifier associated with a first device or with a user of said first device; and	<u>identifier:</u> Information used to identify something or someone (e.g., a password). In this definition, "identify" means to establish the identity of or to ascertain the origin, nature, or definitive characteristics of; includes identifying as an individual or as a member of a group.	<u>identifier:</u> Any text string used as a label naming an individual instance of what it <i>Identifies</i> (see below) For the purpose of the construction of "Identifier," " <i>Identify</i> " is defined as: To establish as being a particular instance of a person or thing.
29.	determining whether said identifier is associated with a device and/or user authorized to store said digital file;	<u>identifier:</u> see item #28 above	<u>identifier:</u> see item #28 above
30.	storing said digital file in a first secure memory of said first device, but only if said device and/or user is so authorized, but not proceeding with said storing if said device and/or user is not authorized;	<u>secure:</u> see item #3 above	<u>secure:</u> see item #3 above
31.	storing information associated with said digital file in a secure database stored on said first	<u>secure:</u> see item #3 above <u>control:</u> see item #4 above	<u>secure:</u> see item #3 above <u>control:</u> see item #4 above

	<u>'193 Claim 15</u>	<u>IT Construction</u>	<u>MS Construction</u>
	device, said information including at least one control ;		
32.	determining whether said digital file may be copied and stored on a second device based on said at least one control ;	<u>copied (copy)</u> : see item #5 above <u>control</u> : see item #4 above	<u>copied (copy)</u> : see item #5 above <u>control</u> : see item #4 above
33.	if said at least one control allows at least a portion of said digital file to be copied and stored on a second device,	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above
34.	copying at least a portion of said digital file;	<u>copying (copy)</u> : see item #5 above	<u>copying (copy)</u> : see item #5 above
35.	transferring at least a portion of said digital file to a second device including a memory and an audio and/or video output;		
36.	storing said digital file in said memory of said second device; and		
37.	rendering said digital file through said output.		

	<u>'193 Claim 19</u>	<u>IT Construction</u>	<u>MS Construction</u>
38.	19. A method comprising:	The claim contains no requirement of a VDE.	<u>Claim as a whole:</u> The recited method is performed within a VDE. (See item #86 for Microsoft's construction of VDE.)
39.	receiving a digital file at a first device;		
40.	establishing communication between said first device and a clearinghouse located at a location remote from said first device;	<u>clearinghouse:</u> A provider of financial and/or administrative services for a number of entities; or an entity responsible for the collection, maintenance, and/or distribution of materials, information, licenses, etc.	<u>clearinghouse:</u> (1) A computer system that provides intermediate storing and forwarding services for both content and audit information, and which two or more parties trust to provide its services independently because it is operated under constraint of VDE security. (2) "Audit information" means all information created, stored, or reported in connection with an "auditing" process. "Auditing" means tracking, metering and reporting the usage of particular information or a particular appliance.
41.	said first device obtaining authorization information including a key from said clearinghouse ;	<u>clearinghouse:</u> see item #40 above	<u>clearinghouse:</u> see item #40 above
42.	said first device using said authorization information to gain access to or make at least one use of said first digital file, including using said key to decrypt at least a portion of said first digital file; and	<u>use:</u> Normal English: to put into service or apply for a purpose, to employ.	<u>use:</u> (1) To use information is to perform some action on it or with it (e.g., copying, printing, decrypting, encrypting, saving, modifying, observing, or moving, etc.). (2) In VDE, information Use is Allowed only through execution of the applicable VDE Control(s) and satisfaction of all requirements imposed by such execution. For the purposes of the construction of "Use," " Allowed " is defined as set forth in item #4, above.
43.	receiving a first control from said clearinghouse at said first device;	<u>control:</u> see item #4 above <u>clearinghouse:</u> see item #40 above	<u>control:</u> see item #4 above <u>clearinghouse:</u> see item #40 above

	<u>'193 Claim 19</u>	<u>IT Construction</u>	<u>MS Construction</u>
44.	storing said first digital file in a memory of said first device;		
45.	using said first control to determine whether said first digital file may be copied and stored on a second device;	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above
46.	if said first control allows at least a portion of said first digital file to be copied and stored on a second device,	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above	<u>control</u> : see item #4 above <u>copied (copy)</u> : see item #5 above
47.	copying at least a portion of said first digital file;	<u>copying (copy)</u> : see item #5 above	<u>copying (copy)</u> : see item #5 above
48.	transferring at least a portion of said first digital file to a second device including a memory and an audio and/or video output;		
49.	storing said first digital file portion in said memory of said second device; and		
50.	rendering said first digital file portion through said output.		

	<u>'683 Claim 2</u>	<u>IT Construction</u>	<u>MS Construction</u>
51.	2. A system including:	The claim contains no requirement of a VDE.	Claim as a Whole: The "system" is a VDE. (See item #86 for Microsoft's construction of VDE.)
52.	a first apparatus including,		
53.	user controls,	<u>control</u> : see item #4 above	<u>control</u> : see item #4 above
54.	a communications port,		
55.	a processor,		
56.	a memory storing:		
57.	a first secure container	<p><u>secure container</u>: A container that is Secure.</p> <p>In this definition, "container" means a digital file containing linked and/or embedded items.</p>	<p><u>secure container</u>: (1) A VDE Secure Container is a self-contained, self-protecting data structure which (a) encapsulates information of arbitrary size, type, format, and organization, including other, nested, containers, (b) cryptographically protects that information from all unauthorized Access and Use, (c) provides encrypted storage management functions for that information, such as hiding the physical storage location(s) of its protected contents, (d) permits the association of itself or its contents with Controls and control information governing (Controlling) Access to and Use thereof, and (e) prevents such Use or Access (as opposed to merely preventing decryption) until it is "opened."</p> <p>(2) A Secure Container can be opened only as expressly <i>Allowed</i> by the associated VDE Control(s), only within a <i>Secure Processing Environment</i>, and only through decryption of its encrypted header.</p> <p>(3) A Secure Container is not directly accessible to any non-VDE or user calling process. All such calls are intercepted by VDE.</p> <p>(4) The creator of a Secure Container can assign (or allow others to assign) control information to any arbitrary portion of a Secure Container's contents, or to an empty Secure Container (to govern</p>

<u>'683 Claim 2</u>	<u>IT Construction</u>	<u>MS Construction</u>
		<p>(Control) the later addition of contents to the container, and Access to or Use of those contents).</p> <p>(5) A container is not a Secure Container merely because its contents are encrypted and signed. A Secure Container is itself Secure.</p> <p>(6) All VDE-protected information (including protected content, information about content usage, content-control information, Controls, and <i>Load Modules</i>) is encapsulated within a Secure Container whenever stored outside a <i>Secure Processing Environment</i> or secure database.</p> <p>For the purposes of the construction of “Secure Container,” “Secure Processing Environment,” “Load Module,” “Access” and “Allow” are defined as set forth in item #4, above.</p>
58. containing a governed item,	<u>containing</u> : Normal English: having within or holding. In the context of an element contained within a data structure (e.g., a secure container), the contained element may be either directly within the container or the container may hold a reference indicating where the element may be found.	<u>containing</u> : Physically (directly) storing within, as opposed to addressing (i.e., referring to something by the explicitly identified location where it is stored, without directly storing it).
59. the first secure container governed item being at least in part encrypted; the first secure container having been received from a second apparatus;	<u>secure container</u> : see item #57 above	<u>secure container</u> : see item #57 above

	<u>'683 Claim 2</u>	<u>IT Construction</u>	<u>MS Construction</u>
60.	a first secure container rule at least in part governing an aspect of access to or use of said first secure container governed item, the first secure container rule , the first secure container rule having been received from a third apparatus different from said second apparatus; and	<u>secure container</u> : see item #57 above <u>aspect</u> : Feature, element, property or state. <u>use</u> : see item #42 above	<u>secure container</u> : see item #57 above <u>aspect</u> : An aspect of an environment is a persistent element or property of that environment that can be used to distinguish it from other environments. <u>use</u> : see item #42 above
61.	hardware or software used for receiving and opening secure containers , said secure containers each including the capacity to contain a governed item, a secure container rule being associated with each of said secure containers ;	<u>secure container</u> : see item #57 above <u>contain (containing)</u> : see item #58 above	<u>secure container</u> : see item #57 above <u>contain (containing)</u> : see item #58 above
62.	a protected processing environment at least in part protecting information contained in said protected processing environment from tampering by a user of said first apparatus,	<u>protected processing environment</u> : An environment in which processing and/or data is at least in part protected from tampering. The level of protection can vary, depending on the threat. In this definition, "environment" means capabilities available to a program running on a computer or other device or to the user of a computer or other device. Depending on the context, the environment may be in a single device (e.g., a personal computer) or may be spread among multiple	<u>protected processing environment</u> : (1) A uniquely identifiable, self-contained computing base trusted by all VDE nodes to protect the availability, secrecy, integrity and authenticity of all information identified in the February, 1995, patent application as being protected, and to guarantee that such information will be Accessed and Used only as expressly authorized by VDE Controls . (2) At most VDE nodes, the Protected Processing Environment is a <i>Secure Processing Environment</i> which is formed by, and requires, a

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<u>'683 Claim 2</u>	<u>IT Construction</u>	<u>MS Construction</u>
	<p>devices (e.g., a network).</p> <p><u>contained (containing)</u>: see item #58 above</p>	<p>hardware Tamper Resistant Barrier encapsulating a special-purpose Secure Processing Unit having a processor and internal secure memory. “Encapsulated” means hidden within an object so that it is not directly accessible but rather is accessible only through the object’s restrictive interface.</p> <p>(3) The Tamper Resistant Barrier prevents all unauthorized (intentional or accidental) interference, removal, observation, and use of the information and processes within it, by all parties (including all users of the device in which the Protected Processing Environment resides), except as expressly authorized by VDE Controls.</p> <p>(4) A Protected Processing Environment is under Control of Controls and control information provided by one or more parties, rather than being under Control of the appliance’s users or programs.</p> <p>(5) Where a VDE node is an established financial Clearinghouse, or other such facility employing physical facility and user-identity Authentication security procedures trusted by all VDE nodes, and the VDE node does not Access or Use VDE-protected information, or assign VDE control information, then the Protected Processing Environment at that VDE node may instead be formed by a general-purpose CPU that executes all VDE “security” processes in protected (privileged) mode.</p> <p>(6) A Protected Processing Environment requires more than just verifying the integrity of Digitally Signed Executable programming prior to execution of the programming; or concealment of the program, associated data, and execution of the program code; or use of a password as its protection</p>

EXHIBIT A TO JOINT CLAIM CONSTRUCTION STATEMENT

	<u>'683 Claim 2</u>	<u>IT Construction</u>	<u>MS Construction</u>
			<p>mechanism.</p> <p>For the purposes of the construction of “Protected Processing Environment,” “Secure Processing Environment” and “Access” are defined as set forth in item #4, above.</p> <p><u>contained (containing)</u>: see item #58 above</p>
63.	<p>said protected processing environment including hardware or software used for applying said first secure container rule and a second secure container rule in combination to at least in part govern at least one aspect of access to or use of a governed item contained in a secure container; and</p>	<p><u>protected processing environment</u>: see item #62 above</p> <p><u>secure container</u>: see item #57 above</p> <p><u>aspect</u>: see item #60 above</p> <p><u>use</u>: see item #42 above</p> <p><u>contained (containing)</u>: see item #58 above</p>	<p><u>protected processing environment</u>: see item #62 above</p> <p><u>secure container</u>: see item #57 above</p> <p><u>aspect</u>: see item #60 above</p> <p><u>use</u>: see item #42 above</p> <p><u>contained (containing)</u>: see item #58 above</p>
64.	<p>hardware or software used for transmission of secure containers to other apparatuses or for the receipt of secure containers from other apparatuses.</p>	<p><u>secure container</u>: see item #57 above</p>	<p><u>secure container</u>: see item #57 above</p>

	<u>'721 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
65.	1. A security method comprising:	The claim contains no requirement of a VDE.	<u>Claim as a whole:</u> The recited method is performed within a VDE . (See item #86 for Microsoft's construction of VDE.)
66.	digitally signing a first load module with a first digital signature designating the first load module for use by a first device class;	<p><u>digital signature:</u> A digital value, verifiable with a key, that can be used to determine the source and/or integrity of a signed item (e.g., a file, program, etc.).</p> <p>Digitally signing is the process of creating a digital signature.</p> <p><u>designating:</u> Normal English: indicating, specifying, pointing out or characterizing.</p> <p><u>use:</u> see item #42 above</p> <p><u>device class:</u> A group of devices which share at least one attribute.</p>	<p><u>digitally signing:</u></p> <p>(1) Creating a Digital Signature using a secret <i>Key</i> (see below).</p> <p>(2) In symmetric key cryptography, a "secret key" is a <i>Key</i> that is known only to the sender and recipient. In asymmetric key cryptography, a "secret key" is the private <i>Key</i> of a public/private key pair, in which the two keys are related uniquely by a predetermined mathematical relationship such that it is computationally infeasible to determine one from the other.</p> <p>For the purposes of the construction of "Digital Signing," a "Key" is defined as: A bit sequence used and needed by a cryptographic algorithm to encrypt a block of plain text or to decrypt a block of cipher text. A key is different from a key seed or other information from which the actual encryption and/or decryption key is constructed, Derived, or otherwise identified. In symmetric key cryptography, the same key is used for both encryption and decryption. In asymmetric or "public key" cryptography, two related keys are used; a block of text encrypted by one of the two keys (e.g., the "public key") can be decrypted only by the corresponding key (e.g., the "private key").</p> <p><u>digital signature:</u> A computationally unforgeable string of characters (e.g., bits) generated by a cryptographic operation on a block of data using some secret. The string can be generated only by an entity that knows the secret, and hence provides</p>

<u>'721 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
		<p>evidence that the entity must have generated it.</p> <p><u>designating:</u> Designating something for a particular Use means specifying it for and restricting it to that Use.</p> <p><u>use:</u> see item #42 above</p> <p><u>device class:</u> The generic name for a group of device types. For example, all display stations belong to the same device class. A device class is different from a device type. A device type is composed of all devices that share a common model number or family (e.g. IBM 4331 printers).</p>
67. <i>digitally signing a second load module with a second digital signature different from the first digital signature, the second digital signature designating the second load module for use by a second device class having at least one of tamper resistance and security level different from the at least one of tamper resistance and security level of the first device class;</i>	<p><u>digital signature:</u> see item #66 above</p> <p><u>designating:</u> see item #66 above</p> <p><u>use:</u> see item #42 above</p> <p><u>device class:</u> see item #66 above</p> <p><u>tamper resistance:</u> Making tampering more difficult and/or allowing detection of tampering.</p> <p>In this definition, “tampering” means using (e.g., observing or altering) in any unauthorized manner, or interfering with authorized use.</p> <p><u>digitally signing a second load module with a second digital signature different from the first digital signature, the second digital signature designating the second load module for use by a second device class having at least one of tamper resistance and security level different from the at least one of tamper resistance and security level of the first device class:</u> Normal English, incorporating the separately defined terms: generating a Digital Signature</p>	<p><u>digital signature:</u> see item #66 above</p> <p><u>designating:</u> see item #66 above</p> <p><u>use:</u> see item #42 above</p> <p><u>device class:</u> see item #66 above</p> <p><u>tamper resistance:</u> The ability of a Tamper Resistant Barrier to prevent Access, observation, and interference with information or processing encapsulated by the barrier.</p> <p>For the purposes of the construction of “Tamper Resistance,” “Tamper/Tampering” is defined as: Using (e.g., observing or altering) in any unauthorized manner, or interfering with authorized use.</p> <p>For the purposes of the construction of “Tamper Resistance,” “Access” is defined as set forth in item #4, above.</p> <p><u>digitally signing a second load module with a second digital signature different from the first digital signature, the second digital signature designating the second load module for use by a second device</u></p>

'721 Claim 1	IT Construction	MS Construction
	<p>for the second load module, the Digital Signature Designating that the second load module is for use by a second Device Class. This element further requires that the second Device Class have a different Tamper Resistance or security level than the first Device Class.</p>	<p>class having at least one of tamper resistance and security level different from the at least one of tamper resistance and security level of the first device class:</p> <ul style="list-style-type: none"> (1) Digitally Signing a different (“second”) <i>Load Module</i> by using a different (“second”) Digital Signature as the signature <i>Key</i>, which signing indicates to any and all devices in the second Device Class that the signor authorized and restricted this <i>Load Module</i> for Use by that device. (2) No VDE device can perform any execution of any <i>Load Module</i> without such authorization. The method ensures that the <i>Load Module</i> cannot execute in a particular Device Class and ensures that no device in that Device Class has the <i>Key(s)</i> necessary to verify the Digital Signature. (3) All devices in the first Device Class have the same persistent (not just occasional) and identified level of Tamper Resistance and the same persistent and identified level of security. All devices in the second Device Class have the same persistent and identified level of Tamper Resistance and same persistent and identified level of security. (4) The identified level of Tamper Resistance or identified level of security (or both) for the first Device Class, is greater than or less than the identified level of Tamper Resistance or identified level of security for the second Device Class. <p>For the purposes of the construction of this phrase, a “<i>Load Module</i>” is defined as set forth in item #4 and “<i>Key</i>” is defined as set forth in item #66, above.</p>

EXHIBIT A TO JOINT CLAIM CONSTRUCTION STATEMENT

	<u>'721 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
68.	distributing the first load module for use by at least one device in the first device class ; and	<u>use</u> : see item #42 above <u>device class</u> : see item #66 above	<u>use</u> : see item #42 above <u>device class</u> : see item #66 above
69.	distributing the second load module for use by at least one device in the second device class .	<u>use</u> : see item #42 above <u>device class</u> : see item #66 above	<u>use</u> : see item #42 above <u>device class</u> : see item #66 above

	'721 Claim 34	IT Construction	MS Construction
70.	34. A protected processing environment comprising:	<p>The claim contains no requirement of a VDE</p> <p><u>protected processing environment</u>: see item #62 above</p> <p>“Protected processing environment” appears in the preamble of this claim. InterTrust reserves the right to assert that it should not be defined, other than as requiring the individual claim elements.</p>	<p><u>Claim as a Whole</u>: The “Protected Processing Environment” is part of and within VDE. (See item #86 for Microsoft’s construction of VDE.)</p> <p><u>protected processing environment</u>: see item #62 above</p>
71.	a first tamper resistant barrier having a first security level,	<u>tamper resistant barrier</u> : Hardware and/or software that provides Tamper Resistance.	<p><u>tamper resistant barrier</u>: (1) An active device that encapsulates and separates a Protected Processing Environment from the rest of the world.</p> <p>(2) It prevents information and processes within the Protected Processing Environment from being observed, interfered with, and leaving except under appropriate conditions ensuring security.</p> <p>(3) It also Controls external access to the encapsulated Secure resources, processes and information.</p> <p>(4) A Tamper Resistant Barrier is capable of destroying protected information in response to <i>Tampering</i> attempts.</p> <p>For the purposes of the construction of “Tamper Resistant Barrier,” “<i>Tamper/Tampering</i>” is defined as set forth in item #67, above.</p>
72.	a first secure execution space, and	<u>secure</u> : see item #3 above	<u>secure</u> : see item #3 above

	'721 Claim 34	IT Construction	MS Construction
73.	at least one arrangement within the first tamper resistant barrier that prevents the first secure execution space from executing the same executable accessed by a second secure execution space having a second tamper resistant barrier with a second security level different from the first security level.	<p><u>tamper resistant barrier</u>: see item #71 above</p> <p><u>secure</u>: see item #3 above</p> <p><u>executable</u>: A computer program that can be run, directly or through interpretation.</p>	<p><u>tamper resistant barrier</u>: see item #71 above</p> <p><u>secure</u>: see item #3 above</p> <p><u>executable</u>: A cohesive series of machine code instructions in a format that can be loaded into memory and run (executed) by a connected processor.</p>

	'861 Claim 58	IT Construction	MS Construction
74.	58. A method of creating a first secure container , said method including the following steps;	The claim contains no requirement of a VDE. <u>secure container</u> : see item #57 above	<u>Claim as a whole</u> : The recited method is performed within a VDE. (See item #86 for Microsoft's construction of VDE.) <u>secure container</u> : see item #57 above
75.	accessing a descriptive data structure, said descriptive data structure including or addressing		
76.	organization information at least in part describing a required or desired organization of a content section of said first secure container , and	<u>secure container</u> : see item #57 above	<u>secure container</u> : see item #57 above
77.	metadata information at least in part specifying at least one step required or desired in creation of said first secure container ;	<u>secure container</u> : see item #57 above	<u>secure container</u> : see item #57 above
78.	using said descriptive data structure to organize said first secure container contents;	<u>secure container</u> : see item #57 above	<u>secure container</u> : see item #57 above
79.	using said metadata information to at least in part determine specific information required to be included in said first secure container contents; and	<u>secure container</u> : see item #57 above	<u>secure container</u> : see item #57 above

	<u>'861 Claim 58</u>	<u>IT Construction</u>	<u>MS Construction</u>
80.	generating or identifying at least one rule designed to control at least one aspect of access to or use of at least a portion of said first secure container contents.	<u>control</u> (controlling): see item #7 above <u>aspect</u> : see item #60 above <u>use</u> : see item #42 above <u>secure container</u> : see item #57 above	<u>control</u> (controlling): see item #7 above <u>aspect</u> : see item #60 above <u>use</u> : see item #42 above <u>secure container</u> : see item #57 above

	<u>'891 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
81.	1. A method for using at least one resource processed in a secure operating environment at a first appliance, said method comprising:	The claim contains no requirement of a VDE. <u>secure</u> : see item #3 above	<u>Claim as a whole</u> : The recited method is performed within a VDE. (See item #86 for Microsoft's construction of VDE.) <u>secure</u> : see item #3 above
82.	securely receiving a first entity's control at said first appliance, said first entity being located remotely from said operating environment and said first appliance;	<u>securely (secure)</u> : see item #3 above <u>control</u> : see item #4 above	<u>securely (secure)</u> : see item #3 above <u>control</u> : see item #4 above
83.	securely receiving a second entity's control at said first appliance, said second entity being located remotely from said operating environment and said first appliance, said second entity being different from said first entity; and	<u>securely (secure)</u> : see item #3 above <u>control</u> : see item #4 above	<u>securely (secure)</u> : see item #3 above <u>control</u> : see item #4 above
84.	securely processing a data item at said first appliance, using at least one resource, including	<u>securely (secure)</u> : see item #3 above	<u>securely (secure)</u> : see item #3 above
85.	<i>securely applying, at said first appliance through use of said at least one resource said first entity's control and said second entity's control to govern use of said data item.</i>	<u>securely (secure)</u> : see item #3 above <u>use</u> : see item #42 above <u>control</u> : see item #4 above <u>securely applying, at said first appliance through use of said at least one resource said first entity's control and said second entity's control to govern use of said data item</u> : Normal English, incorporating the separately defined terms: the first entity's Control	<u>securely (secure)</u> : see item #3 above <u>use</u> : see item #42 above <u>control</u> : see item #4 above <u>securely applying, at said first appliance through use of said at least one resource said first entity's control and said second entity's control to govern use of said data item</u> : (1) Processing the resource (component part of a first appliance's Secure

<u>'891 Claim 1</u>	<u>IT Construction</u>	<u>MS Construction</u>
	<p>and the second entity's Control are Securely applied to govern Use of the data item, the act of Securely applying involving use of the resource.</p>	<p>Operating Environment) within the Secure Operating Environment's special-purpose Secure Processing Unit (SPU) to execute the first Control and second Control in combination within the SPU.</p> <p>(2) This execution of these Controls governs (Controls) all Use of the data item by all users, processes, and devices.</p> <p>(3) The processing of the resource and execution of the Controls cannot be observed from outside the SPU and is performed only after the integrity of the resource and Controls is cryptographically verified.</p> <p>(4) A Secure Processing Unit is a special-purpose unit isolated from the rest of the world in which a hardware Tamper Resistant Barrier encapsulates a processor and internal Secure memory.</p> <p>(5) The processor cryptographically verifies the integrity of all code loaded from the Secure memory prior to execution, executes only the code that the processor has authenticated for its Use, and is otherwise Secure.</p>

	<u>'900 Claim 155</u>	<u>IT Construction</u>	<u>MS Construction</u>
86.	155. A virtual distribution environment comprising	<p><u>Virtual Distribution Environment:</u> This term is contained in the preamble of the claim and should not be defined, other than as requiring the individual claim elements.</p> <p>Without waiving its position that no separate definition is required, if required to propose such a definition, InterTrust proposes the following: secure, distributed electronic transaction management and rights protection system for controlling the distribution and/or other usage of electronically provided and/or stored information.</p>	<p><u>Claim as a Whole:</u> The “virtual distribution environment” is VDE.</p> <p><u>Virtual Distribution Environment:</u> (1) Data Security and Commerce World: InterTrust’s February 13, 1995, patent application described as its “invention” a Virtual Distribution Environment (“VDE invention”) for securing, administering, and auditing all security and commerce digital information within its multi-node world (community). VDE guarantees to all VDE “participants” identified in the patent application that it will limit all Access to and Use (i.e., interaction) of such information to authorized activities and amounts, will ensure any requested reporting of and payment for such Use, and will maintain the availability, secrecy, integrity, non-repudiation and authenticity of all such information present at any of its nodes (including protected content, information about content usage, and content Controls.).</p> <p>VDE is Secure against at least the threats identified in the Februry 1995, patent application to this availability (no user may delete the information without authorization), secrecy (neither available nor disclosed to unauthorized persons or processes), integrity (neither intentional nor accidental alteration), non-repudiation (neither the receiver can disavow the receipt of a message nor can the sender disavow the origination of that message) and authenticity (asserted characteristics are genuine). VDE further provides and requires the components and capabilities described below. Anything less than or different than this is not VDE or the described “invention.”</p>

'900 Claim 155	IT Construction	MS Construction
		<p>(2) <u>Secure Processing Environment:</u> At each node where VDE-protected information is <i>Accessed</i>, Used, or assigned control information, VDE requires a <i>Secure Processing Environment</i> (as set forth in item #6).</p> <p>(3) <u>VDE Controls:</u> VDE Allows Access to or Use of protected information and processes only through execution of (and satisfaction of the requirements imposed by) VDE Control(s).</p> <p>(4) <u>VDE Secure Container:</u> See construction of Secure Container (see item #57).</p> <p>(5) <u>Non-Circumventable:</u> VDE is non-circumventable (sequestered). It intercepts all attempts by any and all users, processes, and devices, to <i>Access</i> or <i>Use</i>, such as observing, interfering with, or removing) protected information, and prevents all such attempts other than as allowed by execution of (and satisfaction of all requirements imposed by) associated VDE Controls within <i>Secure Processing Environment(s)</i>.</p> <p>(6) <u>Peer to Peer:</u> VDE is peer-to-peer. Each VDE node has the innate ability to perform any role identified in the patent application (e.g., end user, content packager, distributor, Clearinghouse, etc.), and can protect information flowing in any direction between any nodes. VDE is not client-server. It does not pre-designate and restrict one or more nodes to act solely as a “server” (a provider of information (e.g., authored content, control information, etc.) to other nodes) or “client” (a requestor of such information). All types of protected-content transactions can proceed without requiring interaction with any server.</p>

EXHIBIT A TO JOINT CLAIM CONSTRUCTION STATEMENT

'900 Claim 155	<u>IT Construction</u>	<u>MS Construction</u>
		<p>(7) <u>Comprehensive Range of Functions</u>: VDE comprehensively governs (Controls) all security and commerce activities identified in the patent application, including (a) metering, budgeting, monitoring, reporting, and auditing information usage, (b) billing and paying for information usage, and (c) negotiating, signing and enforcing contracts that establish users' rights to <i>Access</i> or <i>Use</i> information.</p> <p>(8) <u>User-Configurable</u>: The specific protections governing (Controlling) specific VDE-protected information are specified, modified, and negotiated by VDE's users. For example, VDE enables a consumer to place limits on the nature of content that may be <i>Accessed</i> at her node (e.g., no R-rated material) or the amount of money she can spend on viewing certain content, both subject only to other users' senior Controls.</p> <p>(9) <u>General Purpose; Universal</u>: VDE is universal as opposed to being limited to or requiring any particular type of appliance, information, or commerce model. It is a single, unified standard and environment within which an unlimited range of electronic rights protection, data security, electronic currency, and banking applications can run.</p> <p>(10) <u>Flexible</u>: VDE is more flexible than traditional information security and commerce systems. For example, VDE allows consumers to pay for only the user-defined portion of information that the user actually uses, and to pay only in proportion to any quantifiable VDE event (e.g., for only the number of paragraphs displayed from a book), and allows editing the content in VDE containers while maintaining its security.</p>

	<u>'900 Claim 155</u>	<u>IT Construction</u>	<u>MS Construction</u>
			For the purposes of the construction of “VDE,” “Secure Processing Environment” and “Access” are defined as set forth in item #4, above.
87.	a first host processing environment comprising	<p><u>host processing environment</u>: This term is explicitly defined in the claim and therefore needs no additional definition. It consists of those elements listed in the claim.</p> <p>Without waiving its position that no separate definition is required, if required to propose such a definition, InterTrust proposes the following: a Protected Processing Environment incorporating software-based security.</p>	<p><u>host processing environment</u>: (1) A processing environment within a VDE node which is not a <i>Secure Processing Environment</i>.</p> <p>(2) A “host processing environment” may either be “secure” or “not secure.”</p> <p>(3) A “secure host processing environment” is a self-contained Protected Processing Environment, formed by loaded, Executable programming executing on a general purpose CPU (not a Secure Processing Unit) running in protected (privileged) mode.</p> <p>(4) A “non-secure host processing environment” is formed by loaded, Executable programming executing on a general purpose CPU (not a Secure Processing Unit) running in user mode.</p>
88.	a central processing unit;		For the purposes of the construction of “Host Processing Environment,” a “ <i>Secure Processing Environment</i> ” is defined as set forth in item #4, above.
89.	main memory operatively connected to said central processing unit;		
90.	mass storage operatively connected to said central processing unit and said main memory;		

	<u>'900 Claim 155</u>	<u>IT Construction</u>	<u>MS Construction</u>
91.	said mass storage storing tamper resistant software designed to be loaded into said main memory and executed by said central processing unit, said tamper resistant software comprising:		
92.	machine check programming which <i>derives information from one or more aspects of said host processing environment,</i>	<p><u>derives</u>: Normal English: obtains, receives or arrives at through a process of reasoning or deduction. In the context of computer operations, the “process of reasoning or deduction” constitutes operations carried out by the computer.</p> <p><u>aspect</u>: see item #60 above</p> <p><u>host processing environment</u>: see item #87 above</p> <p><u>derives information from one or more aspects of said host processing environment</u>: Normal English, incorporating the separately defined terms: Derives (including creates) information based on at least one Aspect of the previously referred to Host Processing Environment.</p>	<p><u>derives</u>: To retrieve from a specified source.</p> <p><u>aspect</u>: see item #60 above</p> <p><u>host processing environment</u>: see item #87 above</p> <p><u>derives information from one or more aspects of said host processing environment</u>: (1) Deriving from the Host Processing Environment hardware one or more values that uniquely and persistently identify the Host Processing Environment and distinguish it from other Host Processing Environments. (2) The “one or more aspects of said host processing environment” are persistent elements or properties of the Host Processing Environment itself that are capable of being used to distinguish it from other environments, as opposed to, e.g., data or programs stored within the mass storage or main memory, or processes executing within the Host Processing Environment.</p>
93.	one or more storage locations storing said information;		

EXHIBIT A TO JOINT CLAIM CONSTRUCTION STATEMENT

	<u>'900 Claim 155</u>	<u>IT Construction</u>	<u>MS Construction</u>
94.	integrity programming which causes said machine check programming to derive said information, compares said information to information previously stored in said one or more storage locations, and	<u>derive</u> : see item #92 above <u>compares</u> : Normal English: examines for the purpose of noting similarities and differences. "Comparison" refers to the act of comparing.	<u>derive</u> : see item #92 above <u>compares</u> : A processor operation that evaluates two quantities and sets one of three flag conditions as a result of the comparison – greater than, less than, or equal to.
95.	generates an indication based on the result of said comparison; and	<u>comparison (compares)</u> : see item #94 above	<u>comparison (compares)</u> : see item #94 above
96.	programming which takes one or more actions based on the state of said indication;		
97.	said one or more actions including at least temporarily halting further processing.		

	<u>'912 Claim 8</u>	<u>IT Construction</u>	<u>MS Construction</u>
98.	8. A process comprising the following steps:	The claim contains no requirement of a VDE.	<u>Claim as a whole</u> : The recited method is performed within a VDE. (See item #93 for Microsoft's construction of VDE.)
99.	accessing a first record containing information directly or indirectly identifying one or more elements of a first component assembly,	<u>containing</u> : see item #58 above <u>component assembly</u> : Components are code and/or data elements that are independently deliverable. A Component Assembly is two or more components associated together. Component Assemblies are utilized to perform operating system and/or applications tasks.	<u>containing</u> : see item #58 above <u>component assembly</u> : (1) A cohesive Executable component created by a channel which binds or links together two or more independently deliverable <i>Load Modules</i> , and associated data. (2) A Component Assembly is assembled, and executes, only within a <i>VDE Secure Processing Environment</i> . (3) A Component Assembly is assembled dynamically in response to, and to service, a particular content-related activity (e.g., a particular Use request). (4) Each VDE Component Assembly is assigned and dedicated to a particular activity, particular user(s), and particular protected information. (5) Each Component Assembly is independently assembled, loadable and deliverable vis-à-vis other Component Assemblies . (6) The dynamic assembly of a Component Assembly is directed by a "blueprint" <i>Record Containing</i> control information for this particular activity on this particular information by this particular user(s). (7) Component Assemblies are extensible and can be configured and reconfigured (modified) by all users, and combined by all users with other Component Assemblies , subject only to other users' "senior" Controls. For the purposes of the construction of "Component Assembly," " <i>Load Module</i> ," " <i>Secure Processing Environment</i> " and " <i>Record</i> " are defined as set forth in item #4 above.
100.	at least one of said elements including at least some	<u>executable programming (executable)</u> : see item #73 above	<u>executable programming</u> : A cohesive series of machine code instructions, comprising a computer program, in a

	<u>'912 Claim 8</u>	<u>IT Construction</u>	<u>MS Construction</u>
	executable programming,		format that can be loaded into memory and run (executed) by a connected processor. A “computer program” is a complete series of definitions and instructions that when executed on a computer will perform a required or requested task.
101.	at least one of said elements constituting a load module,		
102.	said load module including executable programming and a header;	<u>executable programming (executable):</u> see item #73 above	<u>executable programming:</u> see item #100 above
103.	said header including an execution space identifier <i>identifying at least one aspect of an execution space required for use and/or execution of the load module</i> associated with said header;	<u>identifier:</u> see item #28 <u>aspect:</u> see item #59 above <u>use:</u> see item #42 above <u>identifying at least one aspect of an execution space required for use and/or execution of the load module:</u> Normal English, incorporating the separately defined terms: identifying an Aspect (e.g. security level) of an execution space that is needed in order for the load module to execute or otherwise be used.	<u>identifier:</u> see item #28 <u>aspect:</u> see item #59 above <u>use:</u> see item #42 above <u>identifying at least one aspect of an execution space required for use and/or execution of the load module:</u> (1) Defining fully, without reference to any other information, at least one of the persistent elements or properties (Aspects) (that are capable of being used to distinguish it from other environments of an execution space) that are required for any Use, and/or for any execution, of the <i>Load Module</i> . (2) An execution space without all of those required aspects is incapable of making any such execution and/or other Use (e.g., Copying, displaying, printing) of the <i>Load Module</i> . For the purposes of the construction of this phrase, a “ <i>Load Module</i> ” is defined as set forth in item #4, above

EXHIBIT A TO JOINT CLAIM CONSTRUCTION STATEMENT

	<u>'912 Claim 8</u>	<u>IT Construction</u>	<u>MS Construction</u>
104.	said execution space identifier provides the capability for distinguishing between execution spaces providing a higher level of security and execution spaces providing a lower level of security;	<u>identifier</u> : see item #28	<u>identifier</u> : see item #28
105.	using said information to identify and locate said one or more elements;		
106.	accessing said located one or more elements;		
107.	securely assembling said one or more elements to form at least a portion of said first component assembly ;	<u>securely</u> : see item #3 above <u>component assembly</u> : see item #98 above	<u>securely</u> : see item #3 above <u>component assembly</u> : see item #98 above
108.	executing at least some of said executable programming ; and	<u>executable programming (executable)</u> : see item #73 above	<u>executable programming</u> : see item #100 above
109.	checking said record for validity prior to performing said executing step.		

	<u>'912 Claim 35</u>	<u>IT Construction</u>	<u>MS Construction</u>
110.	35. A process comprising the following steps:	The claim contains no requirement of a VDE.	<u>Claim as a whole</u> : The recited method is performed within a VDE. (See item #86 for Microsoft's construction of VDE.)
111.	at a first processing environment receiving a first record from a second processing environment remote from said first processing environment;		
112.	said first record being received in a secure container ;	<u>secure container</u> : see item #57 above	<u>secure container</u> : see item #57 above
113.	said first record containing identification information directly or indirectly identifying one or more elements of a first component assembly ;	<u>containing</u> : see item #57 above <u>component assembly</u> : see item #98 above	<u>containing</u> : see item #57 above <u>component assembly</u> : see item #98 above
114.	at least one of said elements including at least some executable programming ;	<u>executable programming (executable)</u> : see item #73 above	<u>executable programming</u> : see item #100 above
115.	said component assembly allowing access to or use of specified information;	<u>component assembly</u> : see item #98 above <u>use</u> : see item #42 above	<u>component assembly</u> : see item #98 above <u>use</u> : see item #42 above
116.	said secure container also including a first of said elements;	<u>secure container</u> : see item #57 above	<u>secure container</u> : see item #57 above
117.	accessing said first record;		
118.	using said identification information to identify and locate		

	<u>'912 Claim 35</u>	<u>IT Construction</u>	<u>MS Construction</u>
	said one or more elements;		
119.	said locating step including locating a second of said elements at a third processing environment located remotely from said first processing environment and said second processing environment;		
120.	accessing said located one or more elements;		
121.	said element accessing step including retrieving said second element from said third processing environment;		
122.	securely assembling said one or more elements to form at least a portion of said first component assembly specified by said first record; and	<u>securely (secure)</u> : see item #3 above <u>component assembly</u> : see item #98 above	<u>securely (secure)</u> : see item #3 above <u>component assembly</u> : see item #98 above
123.	executing at least some of said executable programming ,	<u>executable programming (executable)</u> : see item #73 above	<u>executable programming</u> : see item #100 above
124.	said executing step taking place at said first processing environment.		